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OFFICE OF PETITIONS

In re Application :
Hui, et al. :
Application No. 10/667,931 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: September 22, 2003 :
Dkt. No.: N0469.70022US02 :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed October 13, 2011.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 93 days, not 168 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed August 29, 2011. Applicants assert that the patent term adjustment is subject to an additional reduction of 75 days in connection with supplemental replies filed February 22, 2010, August 15, 2011, and August 24, 2011.

The arguments presented have been carefully reviewed and found convincing. In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 93 days, as argued.

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* changes this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the **effective or published** date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

The Adjusted PAIR Calculation can be assessed via public and/or private PAIR.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Patent Term Adjustments



PTA/PTE Information

Application Number*: 10667931

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10667931

Application Filing Date	09/22/2003	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	697
A Delays	697	PTO Manual Adjustment:	-75
B Delays	0	Applicant Delay (APPL)	529
C Delays	0	Total PTA (days)	93

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
143	11/19/2011		P028	Adjustment of PTA Calculation by PTO	9	0	
142	11/19/2011		P028	Adjustment of PTA Calculation by PTO	60	0	
141	11/19/2011		P028	Adjustment of PTA Calculation by PTO	6	0	
129	08/29/2011		MN/=	Mail Notice of Allowance		0	
128	08/26/2011		OAR	Office Action Review		0	
127	08/26/2011		OAR	Office Action Review		0	
126	08/26/2011		OAR	Office Action Review		0	
125	08/26/2011		OAR	Office Action Review		0	
124	08/26/2011		OAR	Office Action Review		0	
123	08/26/2011		IREV	Issue Revision Completed		0	
122	08/25/2011		OAR	Office Action Review		0	
121	08/25/2011		OAR	Office Action Review		0	
120	08/25/2011		OAR	Office Action Review		0	
119	08/25/2011		OAR	Office Action Review		0	
118	08/25/2011		OAR	Office Action Review		0	
117	08/24/2011		IDSC	Information Disclosure Statement considered		0	
116	08/24/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
110	08/24/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
109	08/24/2011		DVER	Document Verification		0	
108	08/24/2011		N/=	Notice of Allowance Data Verification Completed		0	
115	08/16/2011		OAR	Office Action Review		0	
114	08/16/2011		OAR	Office Action Review		0	
113	08/16/2011		OAR	Office Action Review		0	
112	08/16/2011		OAR	Office Action Review		0	
111	08/16/2011		OAR	Office Action Review		0	
107	08/16/2011		EX.R	Reasons for Allowance		0	
106	08/16/2011		EX.A	Examiner's Amendment Communication		0	
105	08/16/2011		CTRT	Telephonic restriction		0	
104	08/16/2011		EXIE	Interview Summary - Examiner Initiated		0	
103	08/16/2011		CNTA	Allowability Notice		0	
97	08/15/2011		IDSC	Information Disclosure Statement considered		0	
94	08/15/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
92	06/23/2011		FWDX	Date Forwarded to Examiner		0	
91	06/16/2011	03/16/2011	A...	Response after Non-Final Action	92	89	
90	06/16/2011		XT/G	Request for Extension of Time - Granted		0	
89	12/16/2010		MCTNF	Mail Non-Final Rejection		0	
88	12/15/2010		CTNF	Non-Final Rejection		0	
86	10/20/2010		FWDX	Date Forwarded to Examiner		0	
85	10/18/2010	07/16/2010	A...	Response after Non-Final Action	94	82	
84	10/18/2010		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		0	
83	10/18/2010		XT/G	Request for Extension of Time - Granted		0	
82	04/16/2010		MCTNF	Mail Non-Final Rejection		0	
81	04/16/2010		CTNF	Non-Final Rejection		0	
80	02/22/2010		RCAP	Reference capture on IDS		0	
79	02/22/2010		M844	Information Disclosure Statement (IDS) Filed		0	
78	02/22/2010		IDSC	Information Disclosure Statement considered		0	
76	02/22/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
75	02/18/2010		FWDX	Date Forwarded to Examiner		0	
72	02/18/2010		ABN9	Disposal for a RCE / CPA / R129		0	
74	02/16/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
73	02/16/2010	11/13/2009	RCEX	Request for Continued Examination (RCE)	95	69	
71	02/16/2010		XT/G	Request for Extension of Time - Granted		0	
70	02/16/2010		BRCE	Workflow - Request for RCE - Begin		0	
69	08/13/2009		MCTFR	Mail Final Rejection (PTOL - 326)		0	
68	08/12/2009		CTFR	Final Rejection		0	
63	06/05/2009		FWDX	Date Forwarded to Examiner		0	
62	04/30/2009	02/04/2009	A...	Response after Non-Final Action	85	60	
61	04/30/2009		XT/G	Request for Extension of Time - Granted		0	
60	11/04/2008		MCTNF	Mail Non-Final Rejection		0	
59	11/03/2008		CTNF	Non-Final Rejection		0	
52	10/15/2008		DOCK	Case Docketed to Examiner in GAU		0	
51	10/08/2008		FWDX	Date Forwarded to Examiner		0	
49	10/08/2008		FWDX	Date Forwarded to Examiner		0	
47	10/08/2008		ABN9	Disposal for a RCE / CPA / R129		0	
50	09/11/2008		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
48	09/11/2008	06/11/2008	RCEX	Request for Continued Examination (RCE)	92	43	
46	09/11/2008		XT/G	Request for Extension of Time - Granted		0	
45	09/11/2008		BRCE	Workflow - Request for RCE - Begin		0	
44	04/14/2008		DOCK	Case Docketed to Examiner in GAU		0	
43	02/14/2008		MCTFR	Mail Final Rejection (PTOL - 326)		0	

39	02/12/2008	C.ADB	Correspondence Address Change		0
38	01/08/2008	DOCK	Case Docketed to Examiner in GAU		0
37	12/22/2007	FWDX	Date Forwarded to Examiner		0
36	11/21/2007	A...	Response after Non-Final Action		0
35	10/03/2007	MCTNF	Mail Non-Final Rejection		0
34	09/19/2007	CTNF	Non-Final Rejection		0
33	07/14/2007	FWDX	Date Forwarded to Examiner		0
32	07/11/2007	A...	Response after Non-Final Action	57	30
31	07/11/2007	XT/G	Request for Extension of Time - Granted		0
30	02/15/2007	MCTNF	Mail Non-Final Rejection		0
29	02/05/2007	CTNF	Non-Final Rejection		0
27	12/04/2006	IDSC	Information Disclosure Statement considered		0
26	12/04/2006	RCAP	Reference capture on IDS		0
25.7	12/04/2006	M844	Information Disclosure Statement (IDS) Filed	14	23
25	12/04/2006	WIDS	Information Disclosure Statement (IDS) Filed		0
24	11/23/2006	FWDX	Date Forwarded to Examiner		0
23	11/20/2006	ELC.	Response to Election / Restriction Filed		0
22	10/20/2006	MCTRS	Mail Restriction Requirement	697	0.5
21	10/16/2006	CTRS	Restriction/Election Requirement		0
20	08/21/2006	DOCK	Case Docketed to Examiner in GAU		0
17	09/28/2004	C.ADB	Correspondence Address Change		0
16.7	07/14/2004	M844	Information Disclosure Statement (IDS) Filed		0
16	07/14/2004	WIDS	Information Disclosure Statement (IDS) Filed		0
28	06/30/2004	IDSC	Information Disclosure Statement considered		0
19	06/30/2004	RCAP	Reference capture on IDS		0
18.7	06/30/2004	M844	Information Disclosure Statement (IDS) Filed		0
18	06/30/2004	WIDS	Information Disclosure Statement (IDS) Filed		0
15	05/05/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
14	05/05/2004	DOCK	Case Docketed to Examiner in GAU		0
10	12/16/2003	WROIPE	Application Return from OIPE		0
9	12/16/2003	COMP	Application Is Now Complete		0
8	12/16/2003	W/OA	Pre-Exam Office Action Withdrawn		0
7	12/16/2003	ROIPE	Application Return TO OIPE		0
6	12/16/2003	OIPE	Application Dispatched from OIPE		0
5	12/16/2003	COMP	Application Is Now Complete		0
4	12/03/2003	CLSS	CASE CLASSIFIED BY OIPE		0
3	12/03/2003	L194	Cleared by OIPE CSR		0
13	11/20/2003	RCAP	Reference capture on IDS		0
12.7	11/20/2003	M844	Information Disclosure Statement (IDS) Filed		0
12	11/20/2003	WIDS	Information Disclosure Statement (IDS) Filed		0
2	10/31/2003	SCAN	IFW Scan & PACR Auto Security Review		0
11	10/15/2003	A.PE	Preliminary Amendment		0
1	09/22/2003	IEXX	Initial Exam Team nn		0
0.5	09/22/2003	EFILE	Filing date		0

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